

## **REMARKS**

### **Introduction**

Claims 1-21 are pending, of which claims 1 and 9 are independent. Claims 2, 4-5, 7 and 9-19 have been withdrawn due to a restriction requirement.

Claims 3 and 8 have been amended to remove dependency from withdrawn claim 2. However, Applicants retain the right to claim 2 upon allowance of claim 1 from which claim 2 depends.

Claim 1 has been amended to correct informalities in the claim language and to more clearly define the claimed subject matter. Claims 20-21 have been added. Support for the amendment and for the new claims is found, for example, at FIGS. 3-5 and the corresponding description of these figures in the specification. No new matter has been entered.

Applicants respectfully request that the Examiner indicate acknowledgement of a claim for foreign priority under 35 U.S.C. § 119 made in this application by checking an appropriate box on the item 12 of the Office Action Summary in the next official communication.

### **Rejection under 35 U.S.C. § 102**

Claims 1 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Takashi Ikami (Japanese Utility Model Registration No. 3055130. Hereinafter, "Takashi"). Claims 1 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Karmazin (USP 2,045,657). Claims 1, 3, 6 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hagemeister (USP 5,086,837). Further, Claims 1 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dewar et al. (USP 5,628,363). Claims 3 and 6 appear to be rejected under 35

U.S.C. § 103(a) based on Dewar and Hagemeister. Applicants respectfully traverse these rejections for at least the following reasons.

First, regarding claim 1, it appears that Takashi, Hagemeister and Dewar disclose the slits (see, reference numeral 4 of Takashi; reference numeral 4 of Hagemeister; and perforations 15 of Dewar, respectively). However, Applicants respectfully submit that none of these references discloses or suggests slits **extending longitudinally and continuously**, as recited by claim 1.

Second, it appears that Karmazin discloses a longitudinal and continuous slit 31 (see, Fig. 4 of Karmazin). However, Applicants respectfully submit that the slits 31 in Karmazin are not disposed **in parallel to the recesses**. It is noted that in Karmazin, the alleged recesses 12 in Fig. 3 correspond to the circles in Fig. 4. The alleged recesses 12 are configured to make a tube from the top to the bottom of the stack of the fins 10 (see, col. 1, line 54 to col. 2, line 3 of Karmazin). Thus, the alleged recesses 12 are not disposed in parallel to the long plate and the slit, and hence the slits 31 of Karmazin are different from the slits of amended claim 1 in which the slits are disposed in parallel to the recesses and the long plates.

Regarding claim 3, the Examiner asserts that the holes 2a, 2b of Hagemeister correspond to the long holes of claim 3. Applicants respectfully submit that the holes 2a, 2b of Hagemeister are not formed inside the holding plate, but rather formed in the long plates (see, Fig. 1 of Hagemeister).

As such, it is clear that, at a minimum, none of the cited references discloses or even suggests the above discussed limitations of claim 1. Thus, claim 1 and any claim dependent thereon is patentable over the cited references. Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 3, 6 and 8.

**New Claims**

Since new claims 20-21 depend upon claim 1, these claims are patentable over the cited references for at least the same reasons as claim 1. Further, none of the cited references discloses or suggests liquid flowing longitudinally in the tube internal flow channel formed by the recesses as recited by claim 20 and only one slit being disposed between the long plates as recited by claim 21. As such, claims 20-21 are patentable for this reason in addition to the reasons set forth above.

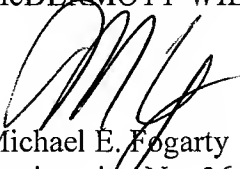
**CONCLUSION**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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